

**United States District Court
District of Massachusetts**

<p>OTIS ELEVATOR COMPANY,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p style="padding-left: 40px;">v.</p> <p>LOCAL 4, INTERNATIONAL UNION OF ELEVATOR CONSTRUCTORS, et al.,</p> <p style="padding-left: 40px;">Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Civil Action No.</p> <p>04-11108-NMG</p>
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ORDER

GORTON, J.

After review of Plaintiff's Motion for Preliminary Injunction [#16] and Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction [#18], the session of this Court (Tauro, J.) from which this case was transferred found, in an Order dated June 17, 2004, that: (1) a collective bargaining agreement was in effect; (2) the collective bargaining agreement contained a no-strike clause; (3) the dispute over the installation of the plunger/cylinder mechanism was covered by the grievance and arbitration provision of the collective bargaining agreement; (4) the Parties had alleged breaches of the collective bargaining agreement by each other; and (5) ordinary principles of equity warranted relief.

In accordance with the judgment of the First Circuit Court

of Appeals issued on May 11, 2005, that Order is modified and it is hereby ordered that, pending the outcome of arbitration over the plunger/cylinder dispute:

- 1) Defendant Local 4, its officers, agents, representatives, members, employees, and attorneys, and all persons in active concert or participation with them having notice from any source or in any manner of the entry of this Order be and hereby are enjoined and restrained from calling, causing, inducing, encouraging, authorizing, conducting, continuing in or engaging in any strike, concerted work stoppage, concerted work slow-down, sit-down, or refusal to work, or any other act in coercion or interference with Plaintiff's normal operations;
- 2) Plaintiff's bond shall remain in full force and effect for the period that this Order is in effect; and
- 3) The Parties are to arbitrate the dispute over the installation of the plunger/cylinder mechanism pursuant to Article XV of the July 9, 2002 collective bargaining agreement entered into between Plaintiff and the International Union of Elevator Constructors.

So ordered.



Nathaniel M. Gorton
United States District Judge

Dated: June 10, 2005